

Senate File 2091 - Introduced

SENATE FILE 2091

BY McCOY

A BILL FOR

1 An Act relating to requirements for motorists approaching
2 certain stationary vehicles on the highway, and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.323A, Code 2011, is amended to read
2 as follows:

3 **321.323A Approaching certain stationary vehicles.**

4 1. The operator of a motor vehicle approaching a stationary
5 authorized emergency vehicle that is displaying flashing
6 yellow, amber, white, red, or red and blue lights shall
7 approach the authorized emergency vehicle with due caution and
8 shall proceed in one of the following manners, absent any other
9 direction by a peace officer:

10 a. Make a lane change into a lane not adjacent to the
11 authorized emergency vehicle if possible in the existing safety
12 and traffic conditions.

13 b. If a lane change under paragraph "a" would be impossible,
14 prohibited by law, or unsafe, reduce the speed of the motor
15 vehicle to a speed that is less than the posted speed limit
16 and is reasonable and proper speed for the existing road and
17 traffic conditions, ~~which speed shall be less than the posted~~
18 ~~speed limit,~~ and be prepared to stop.

19 2. The operator of a motor vehicle approaching a stationary
20 towing or recovery vehicle, a stationary utility maintenance
21 vehicle, a stationary municipal maintenance vehicle, or a
22 stationary highway maintenance vehicle, that is displaying
23 flashing yellow, amber, or red lights, shall approach the
24 vehicle with due caution and shall proceed in one of the
25 following manners, absent any other direction by a peace
26 officer:

27 a. Make a lane change into a lane not adjacent to the
28 towing, recovery, utility maintenance, municipal maintenance,
29 or highway maintenance vehicle if possible in the existing
30 safety and traffic conditions.

31 b. If a lane change under paragraph "a" would be impossible,
32 prohibited by law, or unsafe, reduce the speed of the motor
33 vehicle to a speed that is less than the posted speed limit
34 and is reasonable and proper speed for the existing road and
35 traffic conditions, ~~which speed shall be less than the posted~~

1 ~~speed limit~~, and be prepared to stop.

2 3. A person convicted of a violation of this section commits
3 a simple misdemeanor punishable as a scheduled violation under
4 section 805.8A, subsection 11. A person convicted of operating
5 a motor vehicle in violation of this section causing damage to
6 the property of another person or bodily injury to or death of
7 another person shall be subject to the following penalties in
8 addition to the penalty provided in section 805.8A or any other
9 penalty provided by law:

10 a. For a violation causing damage to the property of another
11 person, but not resulting in bodily injury to or death of
12 another person, suspension of the violator's driver's license
13 or operating privileges for a period of not less than ninety
14 days and not more than one year.

15 b. For a violation causing bodily injury to another person,
16 suspension of the violator's driver's license or operating
17 privileges for a period of not less than one hundred eighty
18 days and not more than one year.

19 c. For a violation causing death, suspension of the
20 violator's driver's license or operating privileges for one
21 year.

22 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
23 2011, is amended to read as follows:

24 Notwithstanding section 321.482, a person who is convicted
25 of operating a motor vehicle in violation of section 321.178,
26 subsection 2, paragraph "a", subparagraph (2), section
27 321.180B, subsection 6, section 321.194, subsection 1,
28 paragraph "c", section 321.256, section 321.257, section
29 321.275, subsection 4, section 321.276, 321.297, 321.298,
30 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307,
31 321.308, section 321.309, subsection 2, or section 321.311,
32 321.319, 321.320, 321.321, 321.322, 321.323, ~~321.323A~~, 321.324,
33 321.324A, 321.327, 321.329, or 321.333 causing serious injury
34 to or the death of another person may be subject to the
35 following penalties in addition to the penalty provided for

1 a scheduled violation in section 805.8A or any other penalty
2 provided by law:

3 Sec. 3. PUBLIC AWARENESS AND COMPLIANCE PROGRAMS. The
4 department of transportation, in conjunction with the
5 department of public safety, shall establish programs to foster
6 public awareness of and compliance with the requirements of
7 section 321.323A.

8

EXPLANATION

9 Under current law, when the driver of a motor vehicle is
10 approaching a stationary authorized emergency vehicle that is
11 displaying flashing yellow, amber, white, red, or red and blue
12 lights, or a stationary towing or recovery vehicle, utility
13 maintenance vehicle, municipal maintenance vehicle, or highway
14 maintenance vehicle that is displaying flashing yellow, amber,
15 or red lights, the driver is required to move into a lane not
16 adjacent to the stationary vehicle if possible in the existing
17 safety and traffic conditions. If changing lanes would be
18 impossible, unlawful, or unsafe, the driver is required to
19 reduce the speed of the motor vehicle to a reasonable and
20 proper speed for the existing road and traffic conditions,
21 which speed shall be less than the posted speed limit, and be
22 prepared to stop. This bill amends the provision relating to
23 reduced speed by specifying that if making a lane change would
24 be impossible, prohibited by law, or unsafe, the driver shall
25 reduce the speed of the motor vehicle to a speed that is both
26 less than the posted speed limit and reasonable and proper for
27 the existing road and traffic conditions and the driver shall
28 be prepared to stop.

29 Under current law, a violation of the requirements to move
30 over or slow down when approaching certain stationary vehicles
31 is a simple misdemeanor punishable by a scheduled fine of \$100.
32 However, if the violation causes a serious personal injury,
33 a court could impose an additional fine of \$500 or suspend
34 the person's driver's license for not more than 90 days, or
35 both. If the violation causes a death, a court could impose

1 an additional fine of \$1,000 or suspend the person's driver's
2 license for not more than 180 days, or both.

3 Under the bill, a violation is still a simple misdemeanor
4 punishable by a scheduled fine of \$100, but the bill
5 establishes a new penalty for violations causing damage to
6 property and revises the penalties for violations causing
7 injury or death of another person. Under the bill, if the
8 violation causes damage to the property of another person but
9 does not result in bodily injury to or death of another person,
10 the person's driver's license or operating privileges are
11 suspended for not less than 90 days and not more than one year.
12 If the violation causes bodily injury to another person, the
13 person's driver's license or operating privileges are suspended
14 for not less than 180 days and not more than one year. If
15 the violation causes death, the person's driver's license or
16 operating privileges are suspended for one year. The periods
17 of suspension are in addition to any other penalties applicable
18 under law.

19 The bill requires the department of transportation and the
20 department of public safety to establish educational programs
21 to promote public awareness and compliance with requirements
22 for motorists approaching certain stationary vehicles.